

Notice of Allowability

Application No.	Applicant(s)	
10/086,988	LEVEDAHL, MARK D.	
Examiner	Art Unit	
Wilbert L. Starks, Jr.	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the filing of 10/14/2004.
2. The allowed claim(s) is/are 1-40.
3. The drawings filed on 28 February 2002 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Reasons For Allowance

1. Claims 1-40 are allowed.
2. The following is an Examiner's statement of reasons for allowance:
3. The cited prior art taken alone or in combination fails to teach the claimed invention of assigning sensed positional observations, as claimed by Applicant. Specifically, independent claims 1, 11, 22, and 29 teach the assignment of a set of pairs of the first and second observations predicted to correspond to the same physical position through the reception of a cost function, determining a pair set according to an optimization of the cost function.
4. The closest prior art of Kohn et al.¹ teaches the control of nonlinear processes using an optimized cost function and directed graphs, but fails to teach or suggest the assignment of a set of pairs of the first and second observations predicted to correspond to the same physical position through the reception of a cost function, determining a pair set according to an optimization of the cost function. To the extent that this feature does not exist in the prior art cited by Examiner, the present case is found to be allowable over the art of record.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

¹ Kohn et al. (U.S. Patent Number 5,963,447 A; dated 05 October 1999; class 700; subclass 049).

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - A. Pavlovic et al. (U.S. Patent Number 6,694,044 B1; dated 17 February 2004; class 382; subclass 107) discloses a method for motion classification using switching linear dynamic system models.
 - B. Pavlovic et al. (U.S. Patent Number 6,683,968 B1; dated 27 January 2004; class 382; subclass 103) discloses a method for visual tracking using switching linear dynamic system models.
 - C. De Haan et al. (U.S. Patent Number 6,385,245 B1; dated 07 May 2002; class 375; subclass 240.16) discloses motion estimation and motion-compensated interpolation.
 - D. Floratos et al. (U.S. Patent Number 6,205,444 B1; dated 20 March 2001; class 707; subclass 006) discloses a multiple sequence alignment system and method.
 - E. Myers (U.S. Patent Number 6,085,147 A; dated 04 July 2000; class 701; subclass 209) discloses a system for determination of optimal travel path in a multidimensional space.
 - F. Kortge (U.S. Patent Number 6,058,206 A; dated 02 May 2000; class 382; subclass 159) discloses a pattern recognizer with independent feature learning.

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G. Gershenfeld et al. (U.S. Patent Number 6,000,833 A; dated 14 December 1999; class 084; subclass 600) discloses an efficient synthesis of complex, driven systems.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (571) 272-3691.

Alternatively, inquiries may be directed to the following:

S. P. E. Anthony Knight (571) 272-3687

After-final (FAX) (703) 746-7238

Official (FAX) (703) 746-7239

Non-Official/Draft (FAX) (703) 746-7240

WLS

25 February 2005

Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121